

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHLOÉ, S.A.S., J. CHOO LIMITED

Plaintiffs,

- against -

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, DANIEL DOE, GODDESS

TRADING d/b/a

GODDESSTRADING@HOTMAIL.COM,

LUXUNG GOODS, LUXURY GOODS,

TERRY DOE d/b/a

AZNTERRY911@HOTMAIL.COM, JASON

DOE d/b/a JARRY326@YAHOO.COM.CN,

FASHION HANDBAGS, BENNY DOE,

JEANCARLO DOE, JOSEPH a/k/a JOSE

DOE, SISI a/k/a CECI DOE, TOP LUXURY
HANDBAGS d/b/a

LUXURYHANDBAGS277@YAHOO.COM,

FRANCISCO DOE, BEN DOE, CARLOS

DOE, INSTYLE LUXURY HANDBAGS,

CORINA DOE a/k/a QIMIAO HU a/k/a QI

MIAO HU, KENNY DOE a/k/a YE GUO

a/k/a GUO Q YE, NEWCOME TRADING

d/b/a TOSCA, QUICK GLOBAL SHIPPING,

HOWARD EXPRESS SHIPPING, RANDY

DOE, and various JOHN and JANE DOES 1-

10 and XYZ COMPANIES

(UNIDENTIFIED),

Defendants.

Civil Action No.: 07 CV 6491 (WCP)

[FILED UNDER SEAL

PURSUANT TO 15 U.S.C. § 1116]

**DECLARATION OF JULIE BOOKBINDER
IN SUPPORT OF REPLY TO**

**DEFENDANTS NEWCOME TRADING,
INC.'s d/b/a TOSCA, NEW WEALTH,**

INC.'s d/b/a TOSCA and TOSCA

HANDBAGS' OPPOSITION TO THE

**TEMPORARY RESTRAINING ORDER,
SEIZURE ORDER, ORDER TO SHOW**

CAUSE FOR A PRELIMINARY

INJUNCTION, EXPEDITED DISCOVERY

ORDER, ORDER RESTRAINING ASSETS

AND ORDER SEALING FILE AND IN

OPPOSITION TO DEFENDANTS

NEWCOME TRADING, INC.'s d/b/a

TOSCA, NEW WEALTH, INC.'s d/b/a

TOSCA and TOSCA HANDBAGS' CROSS

MOTION TO RELEASE SEIZED ASSETS

I, JULIE BOOKBINDER, under penalty of perjury, hereby declare as follows:

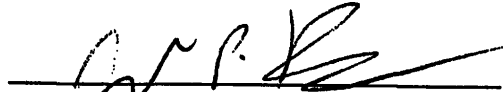
1. I am an attorney licensed to practice law in the State of New York and before the bars of the Southern and Eastern Districts of New York. I am an associate at the law firm of Greenberg Traurig, LLP ("GT") and counsel to Chloé, S.A.S. and J. Choo Limited (collectively, "Plaintiffs"). I make this declaration in support of Plaintiffs' Reply to Defendants Newcome

Trading, Inc.'s ("Newcome") d/b/a Tosca, New Wealth, Inc.'s ("New Wealth") d/b/a Tosca and Tosca Handbags's ("TH") (collectively, "Tosca Defendants") Opposition to Plaintiffs' *ex parte* Application for a Temporary Restraining Order, Seizure Order, Order to Show Cause for a Preliminary Injunction, Expedited Discovery Order, Order Restraining Assets and Order Sealing File ("TRO") and in opposition to the Tosca Defendants' cross-motion to release seized assets as it applies to the Tosca Defendants. If called as a witness, I could testify to the following upon personal knowledge and/or upon my review of GT's files on this matter.

2. On July 24, 2007, Plaintiffs' representatives executed the TRO on Newcome at 125 West 30th Street, New York, NY 10001. During the seizure, Plaintiffs' representatives discovered financial documents indicating that Newcome held accounts at the financial institution BNB Bank. Therefore, on July 24, 2007, while the seizure was occurring, I served the TRO on BNB Bank by facsimile and overnight mail with a cover letter instructing the recipient to restrain any assets held in the name of Defendant Newcome Trading Inc. d/b/a TOSCA. A true and correct copy of this letter is attached hereto as Exhibit A.

3. Later that same day, while the TRO was still being executed at Newcome's premises, I learned that Newcome had sent a representative to BNB Bank to try to withdraw funds in violation of the TRO. I received a telephone call from Kevin Georgetti, Esq., general counsel of BNB Bank. He stated that the Newcome account was restrained in compliance my instructions described in Paragraph 2 above, and that a representative of Newcome had gone to a BNB Bank branch to withdraw funds from one of the restrained accounts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 2, 2007 at New York, NY.



Julie Bookbinder

EXHIBIT

A

Greenberg Traurig

Transmittal Cover Sheet

From:
Julie Bookbinder

Tel:
212-801-6948

E-Mail:
bookbinderj@gtlaw.com

To:	Fax No:	Company:	Phone No.:
BNB Bank	(646) 304-1404		

File No.: 090808.011100

Re: Chloe S.A.S., J. Choo Limited v. Ken Chen, et al
Civil Action No. 07-6491 (WHP)

Date: July 24, 2007 11:11 AM

No. Pages: Including Cover Sheet

If you do not receive all pages properly, please call.

Notes:

Also sent via: ☐ US Mail ☐ Overnight ☐ Messenger ☐ Email ☒ No Other

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Greenberg Traurig

EV705967143US

Julie Bookbinder
Tel. 212.801.6948
Fax 212.806.9412
bookbinderj@gtlaw.com

July 24, 2007

**BY FAX (646-304-1404)
AND OVERNIGHT MAIL**
BNB Bank
250 Fifth Ave.
New York, NY 10001

**Re: Chloe S.A.S., J. Choo Limited v. Ken Chen, et al
Civil Action No. 07-6491 (WHP)**

Dear Mr. Georgetti:

We represent the Plaintiffs in the above-referenced matter. We are serving you with a copy of the Temporary Restraining Order restraining Defendants from transferring assets ("TRO") signed on July 19, 2007, by the Honorable William H. Pauley III, United States District Judge for the Southern District of New York. The TRO provides, among other things, that Defendants, their officers, servants, employees and agents and any persons in active concert with them and any banks, savings & loan associations or other financial institutions who receive actual notice of this TRO are restrained and enjoined from transferring, disposing of or otherwise secreting any assets of Defendants, without prior approval of the Court.

We believe that Defendants, either in their own names or in the names of their agents, associations, etc., maintain and control assets at your institution. Any account held by any and all of the Defendants named in the TRO, including but not limited to accounts, and debit or credit cards in the names of Newcome Trading, Inc. d/b/a TOSCA including but not limited to the following account should be frozen from any transfer of assets:

- Account No. 003722 026003272 32 1254 5

We ask that you provide confirmation of the asset restraint by faxing a letter to the attention of the undersigned at 212-805-9412, or by calling the undersigned at 212-801-6948.

We trust you will forthwith comply with the TRO and not transfer any money or assets of Defendants including to or from other banks or financial institutions and Defendants' agents, representatives or associates or others acting on their behalf. Please be advised that the case is filed under seal and the TRO should be considered highly

July 24, 2007
Page 2

confidential and not disclosed to any third parties or employees other than those necessary to comply with the TRO. If you have any questions, please contact the undersigned.

Thank you in advance for your cooperation.

Very truly yours,

GREENBERG TRAURIG, LLP

By: 
Julie Bookbinder

Enclosure

MESSAGE CONFIRMATION

07/24/2007 11:29
ID=GREENBERG/TRAURIG

DATE	S.R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
07/24	04:45"	16463041404	CALLING	16	OK 0000

07/24/2007 11:24 GREENBERG/TRAURIG + #011100#16463041404# NO.755 001

Greenberg Traurig

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From:
Julie Bookbinder

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E-Mail:
bookbinderj@gtlaw.com

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